

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)**

EDIP PEKTAS, INOA VENTURES
MANAGEMENT LLC, MAESTRO
INTERNATIONAL CARGO LLC, AND
PHILLIP FORNARO,

Plaintiffs,

vs.

ORANGE PELICAN, LLC

Defendants.

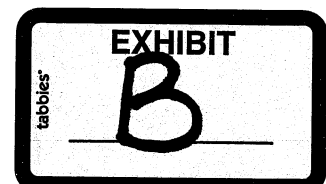
Case No. 2021-CH-06272

NOTICE OF REMOVAL

Defendant Orange Pelican, LLC, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, by this Notice hereby removes this action from the Circuit Court for Cook County, Illinois to the United States District Court for the Northern District of Illinois. As explained below, this Court has jurisdiction under 28 U.S.C. §§ 1332, 1441, and 1446. Complete diversity of citizenship exists between Plaintiffs and Defendant, and it is evident from the Complaint, and upon information and belief, that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

I. THE STATE COURT ACTION.

Plaintiffs commenced a civil action in the Circuit Court for Cook County, Illinois, captioned *Edip Pektas, Inoa Ventures Management LLC, Maestro International Cargo LLC, and Philip Fornaro v. Orange Pelican. LLC*, Case No. 2021CH06272 (the “State Court Action”), by filing a Summons and Complaint on December, 16, 2021. Defendant’s counsel accepted service of the Summons and Complaint on January 14, 2022. A copy of the Summons and Complaint is



attached to this Notice as **Defendant's Exhibit A** and constitutes all process, pleadings, and orders served on the Defendant in the State Court Action as of the date of this Notice.

There are no pending motions that would require action by this Court after removal. Defendant is filing this Notice within 30 days of service of the Summons and Complaint on it; therefore, the removal is timely. *See* 28 U.S.C. § 1446(b). Under 28 U.S.C. § 1446(d), a copy of this Notice is also being served upon counsel for Plaintiffs, and a copy is being filed with the Cook County Clerk of Courts.

In the State Court Action, as set forth in the Complaint, Plaintiffs allege that the claims asserted in an arbitration proceeding commenced by Defendant seeking \$30,000,000.00 in damages arising out of a business transaction are not properly arbitrable.

II. REMOVAL IN THIS CASE IS PROPER.

This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332 for the reasons set forth below:

a. Complete diversity exists:

1. Plaintiff Edip Pektas is a citizen of the State of Illinois. (Complaint, ¶ 8.)
2. Plaintiff Inoa Ventures is a limited liability company organized under the laws of the State of Illinois, with its principal place of business at Chicago, Illinois. (Complaint, ¶ 9.) According to records on file with the State of Illinois, and upon information and belief, all the members of Inoa Ventures are citizens of a state other than Wisconsin.
3. Plaintiff Maestro International is a limited liability company organized under the laws of the State of Illinois, with its principal place of business at Chicago, Illinois. (Complaint, ¶ 10.) According to records on file with the

State of Illinois, and upon information and belief, all the members of Maestro International are citizens of a state other than Wisconsin.

4. Plaintiff Philip Fornaro is a citizen of the State of Illinois. (Complaint, ¶ 11.)

5. Defendant Orange Pelican, LLC is a limited liability company organized under the laws of the State of Wisconsin, with its principal place of business at Franklin, Wisconsin. (Complaint, ¶ 12.) All of Orange Pelican's members are citizens of the State of Wisconsin.

b. **The amount in controversy exceeds \$75,000.00.** Orange Pelican's demand for arbitration (Complaint, Exh. A, p. 1) seeks an award of \$30,000,000.00 in damages from the Plaintiffs. Under the law of this Circuit, the amount in controversy is the amount at stake in the dispute underlying Plaintiffs' Complaint. Therefore, the amount in controversy substantially exceeds the threshold required for diversity jurisdiction.

c. **Removal is timely.** This removal is timely filed within 30 days of the January 14, 2022, service of the Summons and Complaint on Orange Pelican.

d. **Venue is proper.** Venue is proper in the Northern District of Illinois because the Plaintiffs filed their Complaint in the Cook County Circuit Court, and Cook County, Illinois is within the jurisdiction of the Northern District of Illinois. *See* 28 U.S.C. § 1441(a); 28 U.S.C. § 93(a)(1).

WHEREFORE, Defendant Orange Pelican, LLC hereby removes the State Court Action to this Court.

Dated this 4th day of February, 2022.

s/ Mark M. Leitner

Mark M. Leitner

IARDC #6190141

John W. Halpin

IARDC #6292945

LAFFEY, LEITNER & GOODE LLC

325 E. Chicago Street, Suite 200

Milwaukee, WI 53202

(414) 312-7003 (phone)

(414) 755-7089 (fax)

mleitner@llgmke.com

jhalpin@llgmke.com

Attorneys for Defendant Orange Pelican, LLC